

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

MOBILE BAYKEEPER, Inc.,

Plaintiff,

vs.

ALABAMA POWER COMPANY,

Defendant.

Case No.: 1:22-CV-00382

**NOTICE OF FILING OF EVIDENTIARY MATERIALS IN SUPPORT OF  
DEFENDANT ALABAMA POWER COMPANY'S REPLY IN SUPPORT OF  
MOTION TO DISMISS**

Defendant Alabama Power Company, through undersigned counsel, hereby files the following evidentiary materials in support of its

**Certified Supplemental Administrative Record**

<u>Document</u>	<u>Exhibit</u>
EPA, <i>Letter from Kimberly Bingham, Chief, Chemical Safety &amp; Land Enforcement Brnahr, Region 4, EPA to Susan B. Comensky, Vice President, Environmental Affairs, Alabama Power Company</i> (Jan. 31, 2023) .....	Z
Diagram of Plant Barry Closed CCR Unit.....	AA
Waste and Hazardous Constituents Below the Water Table: EPA-Approved Closures with Protective Caps and No Excavation .....	BB
EPA, <i>Superfund Record of Decision: Raymark Industries, Inc., Operable Unit 1, CT, PB95-963716, EPA/ROD/R01-95/116</i> (July 3, 1995) .....	CC

EPA, <i>Superfund Record of Decision: Todtz, Lawrence Farm, IA</i> , EPA/ROD/R07-89/022 (Nov. 1988).....	DD
EPA, <i>Second Five-Year Review Report for Lexington County Landfill Superfund Site, Lexington County, West Columbia, South Carolina</i> (Sept. 2007).....	EE
EPA, <i>Raymark Industries, Inc. Superfund Site, Record of Decision for Final Remedy at Operable Unit 2 (Groundwater), Including Vapor Mitigation Actions; and Final Source Control Actions for Operable Unit 3 (Upper Ferry Creek), Operable Unit 4 (Raybestos Memorial Field), Operable Unit 6 (Additional Properties), and Modification of the OU1 Remedy, Stratford, CT</i> , SEMS Doc. ID 592492 (Sept. 2016) .....	FF
EPA, <i>Superfund Record of Decision: Amoco Chemicals (Joliet Landfill), Joliet, IL</i> , PB99-964101, EPA541-R99-049 (July 15, 1999) .....	GG
EPA, <i>Superfund Record of Decision: Auburn Road Landfill, NH</i> , EPA/ROD/R01-89/042 (Sept. 1989) .....	HH
EPA, <i>Declaration for the Amended Record of Decision, Auburn Road Landfill, Londonderry, NH</i> , SDMS Doc. ID 262500 (Dec. 19, 1996) .....	II
EPA, <i>Superfund Record of Decision: Chemplex II, IA</i> , EPA/ROD/R07- 93/064 (May 1993).....	JJ
EPA, <i>Superfund Record of Decision: Davisville Naval Construction Battalion Center, EPA ID: RI6170022036, OU 01, North Kingstown, RI</i> , EPA/ROD/R01-97/157 (Sept. 29, 1997).....	KK
EPA, <i>Amended Record of Decision, Himco Dump, Elkhart, IN</i> , Doc. 925595 (Sept. 15, 2004).....	LL
EPA, <i>Superfund Record of Decision: Hunts Disposal, WI</i> , EPA/ROD/R05- 90/148 (Sept. 1990).....	MM
EPA, <i>Superfund Record of Decision: Kohler Landfill, WI</i> , EPA/ROD/R05- 92/206 (Mar. 1992) .....	NN
EPA, <i>Superfund Record of Decision: Kummer Sanitary Landfill, MN</i> , EPA/ROD/R05-88/082 (Sept. 1988) .....	OO

EPA, *Superfund Record of Decision: Master Disposal Service Landfill, MI*, EPA/ROD/R05-90/146 (Sept. 1990)..... PP

EPA, *Superfund Record of Decision: Michigan Disposal Service, MI*,  
EPA/ROD/R05-91/171 (Sept. 1991) ..... QQ

EPA, *Superfund Record of Decision: Pensacola Naval Air Station OU 1, Pensacola, FL*, PB98-964016, EPA 541-R98-072 (Oct. 1998) ..... RR

EPA, *Superfund Record of Decision: North Bronson Industrial Area, OU 1, Bronson, MI*, PB98-964101, EPA 541-R98-024 (Sept. 1998) ..... SS

EPA, *Superfund Record of Decision: Northwest 58th Street Landfill, FL*,  
EPA/ROD/R04-87/027 (Sept. 1987) ..... TT

EPA, *Superfund Record of Decision: Osborne Landfill, PA*,  
EPA/ROD/R03-90-099 (Sept. 1990) ..... UU

EPA, *Superfund Record of Decision: Tri County Landfill, IL*,  
EPA/ROD/R05-92/218 (Sept. 1992) ..... VV

EPA, *Superfund Record of Decision: Waste Disposal, MN*,  
EPA/ROD/R05-88/063 (Dec. 1987) ..... WW

EPA, *Superfund Record of Decision: White Farm Equipment Dump, IA*,  
EPA/ROD/R07-90/040 (Sept. 1990) ..... XX

EPA, *Superfund Record of Decision: Yeoman Creek Landfill, Waukegan, IL*, PB96-964111, EPA/ROD/R05-96/308 (Dec. 1996) ..... YY

Respectfully submitted this the 24<sup>th</sup> day of February, 2023.

/s/Ed. R. Haden

One of the Attorneys for the Defendant

**OF COUNSEL**

Ed R. Haden  
Charles A. Burkhart  
Steven A. Burns  
Sean W. Shirley  
BALCH & BINGHAM LLP  
Post Office Box 306  
Birmingham, AL 35201-0306  
Telephone: (205) 251-8100  
Facsimile: (205) 488-5689  
E-mail: [ehaden@balch.com](mailto:ehaden@balch.com)  
[cburkhart@balch.com](mailto:cburkhart@balch.com)  
[sburns@balch.com](mailto:sburns@balch.com)  
[sshirley@balch.com](mailto:sshirley@balch.com)

Jamie W. Betbeze  
Raymond L. Bell, Jr.  
Evan N. Parrott  
MAYNARD, COOPER & GALE, P.C.  
RSA Battle House Tower  
11 North Water Street, Suite 24290  
Mobile, AL 36602  
Telephone: (251) 432-0001  
Email: [jbetbeze@maynardcooper.com](mailto:jbetbeze@maynardcooper.com)  
[rbell@maynardcooper.com](mailto:rbell@maynardcooper.com)  
[eparrott@maynardcooper.com](mailto:eparrott@maynardcooper.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will forward a copy thereof to all attorneys of record.

/s Ed R. Haden  
OF COUNSEL